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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,973	10/16/2006	Minoru Umesako	OKUDP0191US	7560

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EXAMINER

CHOWDHURY, NIGAR

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,973	Applicant(s) UMESAKO, MINORU	
	Examiner NIGAR CHOWDHURY	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/16/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,333,722 Kushibe et al. in view of US 5,510,902 by Fujinami et al.

2. Regarding **claim 1**, Kushibe et al. discloses a data processor that is loadable with a first type of storage medium and a second type of storage medium and that records a data stream on a storage medium loaded,

- a data stream representing video of standard resolution being recordable in a first format on the first type of storage medium, a data stream representing video of either the standard resolution or a resolution higher than the standard resolution being recordable in a second format on the second type of storage medium (fig. 1, 6, col. 3 lines 54-57, col. 9 lines 7-15),
- the data processor comprising:
 - a drive, which is loaded with a storage medium, for recognizing the type of the storage medium loaded (col. 9 lines 35-36);

Art Unit: 2621

- a processing section for receiving a data stream in the second format, for extracting a video data stream from the data stream, and for detecting a resolution of the video (col. 5 lines 1-40, col. 9 lines 48-57);
- a switch for sending a data stream, resulting from the data stream in the second format, along a first path if the first type of storage medium is loaded and if the video is of the higher resolution, and for sending the data stream in the second format along a second path if the second type of storage medium is loaded and if the video is of the standard resolution (fig. 1, 6, col. 5 lines 1-40, col. 9 lines 48-57);

Kushibe et al. fails to disclose

- a converting section for converting the resolution of the video of the data stream, received by way of the first path, into the standard resolution; and
- an encoder for generating a data stream in the first format from the data stream of which the resolution has been converted into the standard resolution,
- wherein the drive writes the data stream supplied from the encoder and the data stream received by way of the second path on the storage medium loaded.

Fujinami et al. discloses

Art Unit: 2621

- a converting section for converting the resolution of the video of the data stream, received by way of the first path, into the standard resolution (col. 2 lines 1-11); and
- an encoder for generating a data stream in the first format from the data stream of which the resolution has been converted into the standard resolution (col. 2 lines 35-36),
- wherein the drive writes the data stream supplied from the encoder and the data stream received by way of the second path on the storage medium loaded (col. 2 lines 35-44).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Kushibe's system to include a converter, as taught by Fujinami, to convert video stream into standard resolution for having more flexibility to a user to store and display in the monitor.

3. Regarding **claim 3**, Kushibe et al. discloses a data stream representing video of standard resolution being recordable in a first format on the first type of storage medium, a data stream representing video of either the standard resolution or a resolution higher than the standard resolution being recordable in a second format on the second type of storage medium, Fujinami discloses a converter to convert resolution but both fail to disclose the data processor further comprising a control section for

Art Unit: 2621

receiving in advance, and managing, time information about recording start and end times, wherein the control section instructs the processing section to start and stop receiving the data stream in the second format in accordance with the time information.

It is noted that the use of time information about recording start and end times is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known time information about recording start and end times which will make it easier and convenient for a viewer to understand time information.

4. Regarding **claim 4**, Fujinami et al. discloses the data processor wherein the converting section adds resolution information about original resolution before the conversion to the data stream that has been converted into the video of the standard resolution (col. 2 lines 1-11), and wherein the encoder generates the data stream in the first format including the resolution information (col. 2 lines 35-36).

5. Regarding **claim 5**, Kushibe et al. discloses the data processor wherein if the second type of storage medium is loaded and if the video has the higher resolution, the switch sends the data stream in the second format along the second path (fig. 1, 6, col. 5 lines 1-40, col. 9 lines 48-57).

6. Regarding **claim 6**, the data processor wherein if the second type of storage medium is loaded and if the video has the higher resolution, the switch sends a data

Art Unit: 2621

stream, resulting from the data stream in the second format, along the first path (Kushibe et al., fig. 1, 6, col. 5 lines 1-40, col. 9 lines 48-57), and wherein the encoder generates the data stream in the second format from the data stream, of which the resolution has been converted into the standard resolution by the converting section (Fujimani et al., col. 2 lines 1-11, 35-36).

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,333,722 Kushibe et al. and US 5,510,902 by Fujinami et al. in view of US 5,371,551 by Logan et al.

8. Regarding **claim 2**, Kushibe discloses the data processor further comprising a signal processing section for receiving a signal representing video and for generating a data stream representing video of the standard resolution (fig. 1, 6, col. 3 lines 54-57, col. 9 lines 7-15), wherein Fujinami discloses the encoder generates a data stream in the first format from the data stream that has been generated by the analog signal processing section (col. 2 lines 35-36).

Kushibe et al. and Fujinami et al. fail to disclose receiving an analog signal.

Logan discloses receiving an analog signal (fig. 2, col. 4 lines 19-22)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Kushibe et al. and Fujinami et al.'s system to include an analogue signal, as taught by Logan, is any continuous signal for which the time varying feature of the signal is a representation of some other time varying quantity.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) US 6,587,505

b) US 7,423,672

c) US 6,633,725

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/599,973

Page 8

Art Unit: 2621

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12/04/2009

/JAMIE JO ATALA/

Examiner, Art Unit 2621